

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FERMIN G. ESQUIVEL,
Petitioner,

v.

HEIDI LACKNER,
Respondent.

Case No. [15-cv-04128-WHO](#) (PR)

ORDER OF DISMISSAL

Dkt. Nos. 3 and 5


Petitioner Fermin Esquivel has failed to comply with the Court's order to (1) file a complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$5.00. His IFP application lacks one necessary document: a prison trust account statement showing transactions for the last six months. Accordingly, this federal habeas action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, Esquivel may move to reopen the action. Any such motion must contain the document mentioned above, or full payment for the \$5.00 filing fee.

Esquivel's IFP application (Docket Nos. 3 and 5) is DENIED as insufficient.

The Clerk shall terminate Docket Nos. 3 and 5, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: October 26, 2015


WILLIAM H. ORRICK
United States District Judge